

UNITED STATES RECEIVING OFFICE (RO/US)

Re	International Appln. No. PCT/FR2005/000319
Applicant	IBRAHIM, Nicolas et al.
International Filing Date	10 February 2005 (10.2.2005)
U.S. Serial No.	10/589,542
U.S. Filing Date	August 16, 2006
Title of Invention	CELLULAR RADIOTELEPHONE SIGNAL PERMITTING SYNCHRONISATION OF A SUPPLEMENTAL CHANNEL BY MEANS OF A PRINCIPAL CHANNEL AND CORRESPONDING METHOD, TERMINAL AND BASE STATION
Agent's File	W51.12-0033

**PETITION UNDER 37 C.F.R. §1.47
(REQUEST FOR RECONSIDERATION)**

ELECTRONICALLY FILED ON APRIL 17, 2008

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: John Gillon, Jr.

Sir:

Applicant hereby requests reconsideration of its petition under 37 C.F.R. §1.47 to proceed on behalf of a non-signing inventor.

Upon receiving the Decision dismissing Applicant's original petition the undersigned, David Brush, telephoned Mr. John Gillon, Jr. in the Office of Petitions to discuss the deficiencies in the original petition. Mr. Gillon, Jr., reviewed the petition and agreed that some of the deficient items were in fact included in the original petition but others needed to be supplemented, as described in the Decision. He mentioned that one of the problems was that the documents were jumbled up at the PTO and therefore no longer in order, as filed. So that made things difficult for him to find.

The following sections separately address each inventor and address each item listed in the Decision as being deficient.

I. **DRAGAN VUJCIC**

A. **Updated Search for Address**

In response to the Office's request that Petitioner update its search for the missing inventor, Mr. Dragan Vujcic, the Assignee's French attorney, Patrick Guene, successfully located Mr. Vujcic at the following new address:

8 ter, rue Cendrieres
91470 LIMOURS EN HUREPOIX
FRANCE

B. **Signed Oath/Declaration by Mr. Vujcic**

Accordingly, enclosed herewith is a declaration executed by Mr. Vujcic in accordance with 37 C.F.R. 1.63.

Mr. Guene also presented Mr. Vujcic with the following documents (enclosed in original petition in Annex 4):

1. Added Page to Combined Declaration for Signature by Joint Inventor on Behalf of Non-Signing Inventor, Mr. Ibrahim; and
2. Petition to By Joint Inventor For Filing on Behalf of Non-Signing Inventor Who Refuses to Sign.

However, Mr. Vujcic verbally refused to sign the additional documents. Accordingly, for Mr. Ibrahim, Petitioner continues to proceed on behalf of the Assignee having sufficient proprietary interest in the application.

C. **Copy of Entire Application Provided To Mr. Vujcic**

The Decision incorrectly alleges that the original petition lacked a showing that the entire application (description, claims, abstract and drawings) were sent to the two-non-signing inventors.

For Mr. Vujcic, the Statement of Patrice Vidon (Annex 2) states in paragraph 9 that the correspondence with Mr. Vujcic included the entire specification, claims, drawings and declaration for the patent application. In fact, the letter to Mr. Vujcic (English translation) dated December 27, 2006 (Annex 6) states that "we enclose herewith copy of this American patent application."

Petitioner notes that there is a typographical error paragraph 9 of Patrice Vidon's statement (Annex 2) that refers to "the correspondence in Annexes 3 and 5". This clause should

read, "the correspondence in Annexes 4 and 6". In any case, Mr. Vidon's statement does in fact state that the entire application was sent to the inventor, Mr. Vujcic.

Mr. Vujcic was also presented with an entire copy of the application when he signed the oath/declaration on March 13, 2008.

II. NICOLAS IBRAHIM

A. **Updated Search for Address**

The Decision indicates nearly a year has passed between the time at which the oath/declaration/assignment documents were sent by the Petitioner to the inventors, and that the Petitioner is requested to ensure that a diligent effort confirms the validity of the addresses provided to the Office.

Therefore, Petitioner performed an updated search for each inventor to verify their current addresses, and submit proof of the diligent effort.

Submitted herewith (Exhibit A) are the results of the updated search to prove the validity of the address for Mr. Ibrahim through the National French Telephone Directory (called "White Pages") an the Internet.

This search located Mr. Ibrahim at the same address as was listed in Petitioner's original petition.

Thus, the prior correspondence was addressed to Mr. Ibrahim's current address.

B. **Copy of Entire Application Provided To Mr. Ibrahim**

The Decision incorrectly alleges that the original petition lacked a showing that the entire application (description, claims, abstract and drawings) were sent to Mr. Ibrahim.

The Statement of Patrice Vidon (Annex 2) states in paragraph 5 that the correspondence with Mr. Ibrahim included the entire specification, claims, drawings and declaration for the patent application. In fact, the letter to Mr. Ibrahim (English translation) dated October 4, 2006 (Annex 3) states that "we enclose herewith copy a this American patent application."

Petitioner notes that there is a typographical error paragraph 5 of Patrice Vidon's statement (Annex 2) that refers to "the correspondence in Annex 2". This clause should have read, "the correspondence in Annex 3". In any case, Mr. Vidon's statement does in fact state that the entire application was sent to the inventor, Mr. Ibrahim.

C. Refusal to Cooperate Has Been Established Previously In Prior Applications

Petitioner also refers to U.S. Application Nos. 10/545,918 and 10/553,535 in which the inventor's refusal to sign and to cooperate with assignee, Wavecom, has already been established.

III. OTHER DEFICIENCIES

Regarding the remaining deficiencies listed in the Decision, the Decision incorrectly alleges that petitioner's documents do not include a statement as to irreparable harm/danger. This statement can be found on Form 1-7 ("Statement Establishing Proprietary Interest ..."), page 1-68.1, paragraph V, signed by Mr. Pierre Cosnier. See also Form 1-6, page 1-60 (in Annex 2), signed by Mr. Patrice Vidon.

In addition, the Decision states that Petitioner must submit an executed oath/declaration and support that document by a certificate under 37 C.F.R. 3.73 (b). Petitioner refers to Form 1-5 submitted with the original declaration, which contains an "Added page to Combined Declaration", which is signed by Mr. Cosnier. One executed Form 1-5 was submitted for each inventor.

Finally, regarding the "required showing under 3.73(b)" and the oath (signed by a person authorized to sign on behalf of the assignee), the original petition appears to satisfy all requirements:

1. The "Added page to Combined Declaration" (Form 1-5, page 1-45), signed by Mr. Cosnier, states in paragraph II that he is authorized to sign by Wavecom.
2. The "Statement By Person Having First-Hand Knowledge That ..." (Form 1-10, page 1-75), signed by Mr. Cosnier, states in paragraph III that a statement under 3.73(b) is attached and that the inventors were employed at Wavecom at the time the invention was made.
3. The statement under 3.73(b), signed by Mr. Cosnier on September 10, 2007, indicates in paragraph "A" that a copy of the assignment is attached.
4. Annex 1 (attached with the 3.73(b) declaration) included copies of the inventors' employment agreements in which they agreed in paragraph 8 that any invention will entirely become the property of Wavecom.

So it appears that the 3.73(b) requirements have also been met.

In view of the above, Petitioner believes all requirements for a petition under §1.47 have been met. Favorable reconsideration is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

/David D. Brush/

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Encs.



Réponse(s) pour :

Qui **IBRAHIM Nicolas**

Où **YVELINES**

1 réponse(s) exacte(s) | Réponse(s) 1 à 1

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EXHIBIT

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